

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 19, 2003

RE: Docket No. 030696-TI - Compliance investigation of 9278 Communications, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes.

ISSUE 1: Should the Commission impose a \$25,000 penalty upon 9278 Communications, Inc. for its apparent violation of Sections 364.02(13) and 364.04, Florida Statutes, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If 9278 Communications, Inc. fails to timely protest the Commission's Order, and fails to file a tariff and provide the Commission with current contact information, the company should also be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida upon issuance of the Consummating Order until the company files a tariff and provides the Commission with current contact information.

**DEFERRED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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PSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested and the payment of the penalty is not received within fourteen calendar days after the issuance of the Consummating Order, the collection of the penalty should be referred to the Department of Financial Services. This docket should be closed administratively upon either receipt of the payment of the penalty or upon referral of the penalty to the Department of Financial Services.